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DAN SMOOT

EIGHTEEN-YEAR-OLD VOTE

The Voting Rights Act of 1965 prohibited seven southern states from using literacy tests to determine voter qualifications. The act did not outlaw literacy tests for voting in non-southern states.

If not extended, the Voting Rights Act would have expired in 1970. President Nixon, acknowledging that the law was unfair because it applied only to southern states, asked Congress to amend and extend the law to apply equally to all states. Congress technically suspended literacy tests in all states, but in such a way that the Voting Rights Act would effectively cover only seven southern states and small parts of six others (three districts in Alaska, one county in Arizona, one county in California, one county in Idaho, one county in Oregon, and three counties in New York).[1] Congress also wrote in a provision allowing any qualified voter to vote in a presidential election in any place where he had resided for 30 days immediately prior to the election.

The House passed this bill on December 11, 1969. The Senate, with Senator Edward M. Kennedy taking the lead, amended the House bill with a provision lowering the voting age in all elections in all states to age 18. By a huge majority, the House approved the Senate amendments; and the new Voting Rights Act was sent to the President for signature on June 17.

President Nixon approves the idea of lowering the voting age to 18, but feels it should be done by constitutional amendment. He says the Voting Rights Act, with the voting-age provision in it, is unconstitutional, because the Constitution gives Congress no authority to order the voting age lowered.

Yet, the President signed the lawless (unconstitutional) act on June 22, 1970, saying he did so because he approved other provisions in it. Those "other provisions" extend the Voting Rights Act of 1965 in a way that the President had previously characterized as unfair. The Act, as passed in 1965 without the age-lowering provision, is just as unconstitutional as it is now with that provision added.

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As to the constitutional issue: of course it is unconstitutional for Congress to dictate voter qualifications for states. In Article I, Section 2, Clause 1, the Constitution clearly reserves to states the exclusive right to fix voter qualifications.

One hundred years ago (1870), it required a constitutional amendment (the Fifteenth) to compel all states to change their voter qualifications to give Negro men the franchise on the same basis with white men. Fifty years ago (1920), it required a constitutional amendment (the Nineteenth) to compel all states to change their voter qualifications to give women the franchise on the same basis with men.

But now, Congress disdains constitutional restraints. It arrogantly throws them aside, tempering its arrogance only with the proviso that the Supreme Court may make the final decision. President Nixon and many self-styled moderates and conservatives in Congress accept this arrangement: leave it to the Supreme Court.

This is a more dangerous corruption of constitutional doctrine than the voting-age bill itself is. Nothing in the Constitution establishes the Supreme Court as an all-powerful oligarchy which can authorize illegal changes in the Constitution.

Even if everyone in the United States were panting for 18-year-olds to have the vote, there is nothing that the federal government can legally do about it unless the Constitution is amended. But if a majority of the people really wanted the voting age lowered to 18, no constitutional amendment would be necessary. All state governments could, and would in due course, respond legally to public pressure and lower the voting age with no action from Washington.

So why the hurry? Politicians are bidding for the so-called youth vote. In 1968, they saw "youth power" (extravagantly propagandized by news media) push into national prominence an obscure and ineffective United States Senator from Minnesota (Eugene McCarthy). So there, they have concluded, are the hills where the political gold is to be found.

Reasons given for lowering the voting age to 18 (whether legally by constitutional amendment, or illegally by congressional action) are curious.

If he is old enough to be drafted to fight, he should be old enough to vote! Does it then follow that if he is too old to be drafted, he is too old to vote? And how about girls? If we give them the vote, does it follow that we will draft them to fight? By this logic, we should take the vote away from everyone except servicemen and veterans.

If there were compelling reasons why those drafted to fight should be allowed to vote for or against politicians responsible for the drafting, it would be far better to *raise the draft age* than to *lower the voting age.*

The practice of drafting teenage boys evolved because of the assumption that the average teenager is not mature enough to have developed firm judgment, strong adherence to fixed ideals, inflexible will. Because of their normal, general immaturity, teenagers are more pliable than older men are — and are therefore easier to discipline for the unquestioning obedience that an army needs.

In the Civil War of the last century and in all the wars of this century, American teenage boys have proven themselves to be the finest fighting men in the world. But the immaturity that abets the military process of turning them into splendid soldiers should disqualify them for the responsibility of exercising mature, independent judgment at the polls.

It is fashionable nowadays to assert that the present generation of teenagers is the most mature, the most earnest, the most committed, the best educated generation in our history. This assertion has no foundation in fact.

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Youngsters today know more about laser beams and television than youngsters knew 50 years ago. But do they know more about philosophy, history, spiritual faith, constitutional government? Do they know more about reading, writing, and thinking? We have the most extensive and expensive educational system in the history of the world, and we are turning out more graduates than Carter produces pills; but the ignorance prevailing among the general run of graduates is appalling. They cannot spell, cannot read, cannot reason — know very little about the history of their own country, and nothing about the great political principles and spiritual truths on which our national greatness rests. Indeed, records in our public schools, in the Selective Service System, and in our Armed Forces reveal a constant decline in intelligence and aptitude averages among American youth — though large numbers of them are quite proficient, as Congressman John Rarick points out, "in parroting loudly the emotional slogans programmed into them by the left-wing pseudo-intellectuals dominating our schools and the mass media."[2]

Because of what they are relentlessly exposed to, and of what they are permitted to do and are not required to do, many youths today are more blase and cynically sophisticated than youths in previous generations; but they are not more mature.

There are 18-year-olds who have much more maturity and sound judgment than many 70-year-olds; but we are not talking about extending the vote to exceptional youngsters. We are talking about extending it to an entire age group.

As an age group, teenagers should not be entrusted with the franchise. I remember what I was like at 18. Even at age 21 when I started voting, my political opinions were too crude and erroneous, and my information too sketchy and inexact, to merit an influence on public measures.

At the Constitutional Convention of 1787, delegate Gouverneur Morris pleaded, unsuccessfully, for a constitutional provision that would establish, nationally, property ownership, or possession of some means of independent self-support, as a voter qualification. Morris said:

"Children do not vote. Why? Because they want prudence, because they have no will of their own. The ignorant and the dependent can be as little trusted with the public interest."[3]

In our culture, most 18-year-olds are still dependents who never had the maturing experience of paying taxes, supporting themselves entirely by their own efforts, managing their own lives, or planning their own futures. Youngsters, not old enough in most states to sign valid business contracts, are to be given roles equal to those of their parents in shaping the destiny of the Republic.

Some say that giving the vote to 18-year-olds will defuse "student unrest." Let them vote, and they will quit burning down campus buildings. Or, as Vice President Spiro Agnew puts it:

"I believe that once our young people can sound off at the polls, there will be less need to sound off in the streets."[1]

But neither the small number of hard core communist militants who incite and lead the youth riots and demonstrations, nor the thousands of spoiled adolescents who permit themselves to be manipulated into supporting the militant activities, have shown any interest in getting the franchise.[4] None has been rioting because he wants more responsibility.

Nor have the majority of normal, decent kids indicated any interest in the vote.[4] Most of them are, or should be, preoccupied with the serious business of acquiring education, skills, and training that will enable them to become self-supporting, responsible, voting citizens.

If we should succeed in getting impatient teenagers fired up about voting and they then have the experience that has been commonplace with us constitutional conservatives for 30 years (sel-

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dom, if ever, on the winning side in an election), we may find that we have created more student unrest than we have allayed.

The question of how teenagers will vote, or of whether they will vote at all, or of whether voting will render the militants less violent, is not nearly as serious, however, as the question of what Congress will do next.

Senator Edward M. Kennedy argued that if Congress has power to prohibit state literacy tests and to limit their residency requirements for voting, it also has power to lower the voting age to 18.(5) In short, the unconstitutional Voting Rights Act of 1965 was cited as a precedent justifying the unconstitutional Voting Rights Extension Act of 1970.

As I see it, this tampering with the electoral process a step at a time is a prelude to the final, fatal tampering which will destroy the American constitutional Republic. I refer to H.J. Resolution 681, passed by a vote of 339-70 in the House last September, now awaiting action by the Senate. This resolution proposes a constitutional amendment to abolish the electoral college system and to provide for direct, popular election of the President and Vice President.

For a discussion of how direct popular election of Presidents would convert our Republic into a mobocracy — and of what should be done about our system of electing Presidents — see the October 6, 1969, issue of this *Report*, "When The Mobs Elect A President. . . . "

And then take action. Write both of your U.S. Senators, urging them to defeat the resolution which proposes a constitutional amendment to provide for direct popular election of Presidents.

There is no telling what the Supreme Court will do about the legislation lowering the voting age. If the Court upholds the legislation, the people should exert pressure on Congress to repeal it. If the Court declares the voting-age provision unconstitutional, the people should instruct their representatives not to submit the proposal as a constitutional amendment.

But we should begin NOW to stop the drive for direct popular election of Presidents.

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FOOTNOTES

(1) *Congressional Quarterly Weekly Report*, June 19, 1970, p. 1570

(2) Press Release, March 26, 1970

(3) James Madison's Notes on the Constitutional Convention

(4) James Reston column, New York Times News Service, June 22, 1970

(5) AP, March 9, 1970

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